

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USDC Docket Number : 05-cv-10695

Nancy J. Netto

v.

Lynn Bissonnette

CLERK'S CERTIFICATE

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents numbered:

1-28

and contained in Volume(s) I & II are the original or electronically filed pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 7/30/2006.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on September 15, 2006.

Sarah A Thornton, Clerk of Court

By: 

Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 9/15/06.


Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:05-cv-10695-RGS**

Netto v. Bissonnette
Assigned to: Judge Richard G. Stearns
Cause: 28:2254 Petition for Writ of Habeas Corpus (State)

Date Filed: 04/08/2005
Jury Demand: None
Nature of Suit: 530 Habeas Corpus
(General)
Jurisdiction: Federal Question

Petitioner

Nancy J. Netto

represented by **Stephen P. Maidman**
Stephen P. Maidman, Esq.
Suite 417
1145 Main St.
Springfield, MA 01103
413-731-7300
Fax: 413-731-7300
Email: maidman@prodigy.net
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Respondent

Lynn Bissonnette
Superintendent, MCI - Framingham

represented by **Susanne G. Reardon**
Office of the Attorney General
One Ashburton Place
Boston, MA 02108
617-727-2200
Fax: 617-727-5755
Email:
susanne.reardon@ago.state.ma.us
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/07/2005	2	If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Alexander. (Flaherty, Elaine) (Entered: 04/12/2005)

04/07/2005	<u>1</u>	PETITION for writ of habeas corpus pursuant to 28:2254 § 5, receipt number 63343, filed by Nancy J. Netto. (Attachments: # <u>1</u>)(Flaherty, Elaine) (Entered: 04/12/2005)
05/24/2005	<u>2</u>	Judge Richard G. Stearns : ORDER entered. SERVICE ORDER re 2254 Petition. Order entered pursuant to R.4 of the Rules governing Section 2254 cases for service on respondents. Answer/responsive pleading due w/in 20 days of rcpt of this order.(Flaherty, Elaine) (Entered: 05/24/2005)
06/10/2005	<u>3</u>	RESPONSE/ANSWER to <i>habeas corpus petition</i> by Lynn Bissonnette. (Reardon, Susanne) (Entered: 06/10/2005)
06/13/2005	<u>4</u>	Supplemental ANSWER to Complaint by Lynn Bissonnette.(Flaherty, Elaine) (Entered: 06/15/2005)
06/23/2005		U.S. Postal Service Certified Mail Green Card Numbered P386 655 895 returned signed by J. LaPointe WSO 5/25/05, filed. (Flaherty, Elaine) (Entered: 06/23/2005)
07/26/2005	<u>5</u>	Judge Richard G. Stearns : ORDER entered. REFERRING CASE to Magistrate Judge Joyce London Alexander Referred for: R and R on petition for writ of habeas corpus(Flaherty, Elaine) (Entered: 07/27/2005)
08/18/2005	<u>6</u>	Magistrate Judge Joyce London Alexander: BRIEFING ORDER entered. Petitioner to file brief in support of petition on or before 9/30/05. Respondent to file and serve brief in opposition to the petition on or before 10/28/05.(Miner, Valencia) (Entered: 08/18/2005)
09/30/2005	<u>7</u>	MEMORANDUM OF LAW by Nancy J. Netto. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E# <u>6</u> Exhibit F# <u>7</u> Exhibit G# <u>8</u> Exhibit H# <u>9</u> Exhibit I# <u>10</u> Exhibit J# <u>11</u> Exhibit K# <u>12</u> Exhibit L# <u>13</u> Exhibit M# <u>14</u> Exhibit N# <u>15</u> Exhibit O# <u>16</u> Exhibit P# <u>17</u> Exhibit Q)(Maidman, Stephen) (Entered: 09/30/2005)
10/25/2005	<u>8</u>	MOTION for Extension of Time to 11/23/05 to File Response/Reply to <i>habeas corpus petition</i> by Lynn Bissonnette.(Reardon, Susanne) (Entered: 10/25/2005)
10/26/2005		Magistrate Judge Joyce London Alexander : ORDER entered granting <u>8</u> Motion for Extension of Time to File Response/Reply. Response to habeas corpus petition due 11/23/05. (Hurley, Virginia) (Entered: 11/01/2005)
11/18/2005	<u>9</u>	MEMORANDUM OF LAW by Lynn Bissonnette. (Reardon, Susanne) (Entered: 11/18/2005)
11/21/2005	<u>10</u>	Further Supplemental ANSWER to Complaint by Lynn Bissonnette, filed (Volumes I, II and III), filed(Flaherty, Elaine) (Entered: 11/22/2005)
11/23/2005	<u>11</u>	Assented to MOTION for Leave to File <i>A Reply to Respondent's Memorandum of Law</i> by Nancy J. Netto.(Maidman, Stephen) (Entered: 11/23/2005)

12/05/2005	●	Magistrate Judge Joyce London Alexander: Electronic ORDER entered granting <u>11</u> Petitioner's Assented To Motion for Leave to File a Reply to Respondent's Memorandum of Law. (JLA, int1) (Entered: 12/08/2005)
12/30/2005	●12	MEMORANDUM OF LAW by Nancy J. Netto. (Attachments: # <u>1</u> Exhibit A)(Maidman, Stephen) (Entered: 12/30/2005)
01/17/2006	●	ELECTRONIC NOTICE of Hearing re: Habeas Petition <u>1</u> :Hearing set for 2/8/2006 02:00 PM in Courtroom 24 before Magistrate Judge Joyce London Alexander. (Lovett, Jarrett) (Entered: 01/17/2006)
01/18/2006	●13	MOTION to Continue Hearing by Lynn Bissonnette.(Reardon, Susanne) (Entered: 01/18/2006)
01/24/2006	●	Magistrate Judge Joyce London Alexander : Electronic ORDER entered granting <u>13</u> Motion to Continue Hearing: Hearing re: <u>1</u> Habeas Petition rescheduled for 2/16/2006 02:00 PM in Courtroom 24 before Magistrate Judge Joyce London Alexander. (Lovett, Jarrett) (Entered: 01/24/2006)
02/02/2006	●14	Assented to MOTION To Expand Record by Nancy J. Netto. (Attachments: # <u>1</u> Exhibit A -- Affidavit of Nancy Netto# <u>2</u> Exhibit B -- Affidavit of Attorney J. Drew Segadelli# <u>3</u> Exhibit C -- Affidavit of Kenneth R. Moses)(Maidman, Stephen) (Entered: 02/02/2006)
02/02/2006	●15	MEMORANDUM in Support re <u>14</u> Assented to MOTION To Expand Record filed by Nancy J. Netto. (Maidman, Stephen) (Entered: 02/02/2006)
02/10/2006	●16	MOTION For Leave To Conduct Discovery by Nancy J. Netto. (Attachments: # <u>1</u> Exhibit A -- Petitioner's Discovery Requests)(Maidman, Stephen) (Entered: 02/10/2006)
02/10/2006	●17	MEMORANDUM in Support re <u>16</u> MOTION For Leave To Conduct Discovery filed by Nancy J. Netto. (Maidman, Stephen) (Entered: 02/10/2006)
02/14/2006	●	ELECTRONIC NOTICE OF RESCHEDULING:Hearing re: Habeas Petition <u>1</u> :Hearing set for 2/21/2006 10:30 AM in Courtroom 24 before Magistrate Judge Joyce London Alexander.(Lovett, Jarrett) (Entered: 02/14/2006)
02/15/2006	●18	Opposition re <u>16</u> MOTION For Leave To Conduct Discovery filed by Lynn Bissonnette. (Reardon, Susanne) (Entered: 02/15/2006)
02/21/2006	●	ElectronicClerk's Notes for proceedings held before Magistrate Judge Joyce London Alexander : Hearing re: <u>1</u> 28:2254 Petition for Writ of Habeas Corpus (State) held on 2/21/2006: Atty Maidman for the Petitioner, Assistant Attorney General Reardon for the Respondent: Petitioner gives oral argument, Respondent gives oral argument, Court takes matter under advisement. (Digital Recording.) (Lovett, Jarrett) (Entered: 02/21/2006)

05/03/2006	<u>18</u>	Judge Richard G. Stearns : Electronic ORDER entered granting <u>14</u> Motion expand the record (Flaherty, Elaine) (Entered: 05/03/2006)
05/31/2006	<u>19</u>	Magistrate Judge Joyce London Alexander : ORDER entered denying <u>16</u> MOTION For Leave To Conduct Discovery by Nancy J. Netto (Lovett, Jarrett) (Entered: 06/02/2006)
05/31/2006	<u>20</u>	Magistrate Judge Joyce London Alexander : ORDER entered: REPORT AND RECOMMENDATIONS re <u>1</u> Petition for writ of habeas corpus (28:2254) filed by Nancy J. Netto, Recommendation: Deny; Objections to R&R due by 6/14/2006(Lovett, Jarrett) (Entered: 06/02/2006)
05/31/2006		Case no longer referred to Magistrate Judge Joyce London Alexander. Case is hereby returned to Judge Richard G. Stearns. (Lovett, Jarrett) (Entered: 06/02/2006)
06/13/2006	<u>21</u>	OBJECTION to <u>20</u> Report and Recommendations filed by Nancy J. Netto. (Maidman, Stephen) (Entered: 06/13/2006)
06/13/2006	<u>22</u>	Objection to <u>19</u> Order on Motion for Miscellaneous Relief by Nancy J. Netto <i>Petitioner's Objections to Magistrate Judge's Order Denying Petitioner's Motion for Leave to Conduct Discovery.</i> (Maidman, Stephen) (Entered: 06/13/2006)
07/05/2006	<u>23</u>	Judge Richard G. Stearns : ORDER entered. ORDER ADOPTING REPORT AND RECOMMENDATIONS for <u>20</u> Report and Recommendations Action on motion: dismissed(Flaherty, Elaine) (Entered: 07/05/2006)
07/06/2006	<u>24</u>	Judge Richard G. Stearns : ORDER OF DISMISSAL entered. (Johnson, Mary) (Entered: 07/06/2006)
07/30/2006	<u>25</u>	NOTICE OF APPEAL as to <u>23</u> Order Adopting Report and Recommendations, <u>24</u> Order by Nancy J. Netto. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 8/21/2006. (Maidman, Stephen) (Entered: 07/30/2006)
07/30/2006	<u>26</u>	MOTION for Leave to Appeal in forma pauperis by Nancy J. Netto. (Attachments: # <u>1</u> Exhibit Petitioner's MA DOC Inmate Transaction Report 01/13/2006 - 07/13/2006)(Maidman, Stephen) (Entered: 07/30/2006)
07/30/2006	<u>27</u>	MOTION for Certificate of Appealability <i>Application for Certificate of Appealability Pursuant to 28 U.S.C. Section 2253</i> by Nancy J. Netto.(Maidman, Stephen) (Entered: 07/30/2006)
07/30/2006	<u>28</u>	MEMORANDUM OF LAW by Nancy J. Netto to <u>27</u> MOTION for Certificate of Appealability <i>Application for Certificate of Appealability Pursuant to 28 U.S.C. Section 2253.</i> (Maidman, Stephen) (Entered: 07/30/2006)

		07/30/2006)
08/30/2006	●	Judge Richard G. Stearns : Electronic ORDER entered granting <u>26</u> Motion for Leave to Appeal in forma pauperis, denying <u>27</u> Motion for Certificate of Appealability forwarded to Court of Appeals. (Flaherty, Elaine) (Entered: 08/30/2006)